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REMARKS

Claims 2-4, 8, 11, 14-16, 20 and 23 were previously canceled without prejudice or disclaimer. Claims 24 – 34 were previously withdrawn and are hereby canceled without prejudice or disclaimer. Claims 1, 13 and 17 have been amended. Claims 35-40 have been added. Hence, claims 1, 5 – 7, 9, 10, 12, 13, 17 – 19, 21, 22 and 35-40 are presented for consideration. Applicants respectfully believe that the remaining claims are in condition for allowance. An early and favorable action to that effect is earnestly solicited.

Claims 1, 5 – 7, 9, 10, 12, 13, 17 – 19, 21, and 22 were rejected under 35 U.S.C. 103(a) over Thompson (US Patent 6,393,410) in view of Fredell et al. (US Patent Application Publication 2001/0028364).

Applicants respectfully submit that there is no teaching, suggestion, or motivation to combine Thompson with Fredell et al. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 860, 16 USPQ2d 1430, 4132 (Fed. Cir. 1990). The teaching or suggestion to make the proposed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Thompson is directed to a process and system for listing information relating to a construction project over a computer network. There is no teaching or suggestion that there is a need to have security in the Thompson system such that the listing of data elements accessible is correlated to the user.

Also, there is no teaching, suggestion, or motive in Fredell et al. to provide secure web based systems for estimating and bidding construction projects.

The only teaching, suggestion, or motive for the proposed combination and the proposed modifications come from the present disclosure. Only by improper hindsight use of the present invention is this combination suggested. It is impermissible to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). For these reasons, Applicants respectfully submit that the claimed invention is not obvious over Thompson in view of Fredell et al.

Additionally, all the claim limitations must be taught or suggested by the prior art as stated in MPEP § 2142. For the sake of argument, even if the Thompson patent and the Fredell et al. publication were combined, Applicants respectfully submit that this standard is not met with regard to the claims as now presented. For example, Applicants believe that neither the

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Thompson nor the Fredell et al. references, together or separately, teach or suggest wherein the customer specific URL further includes a link to a contact page for said individual user to communicate information or messages to a manufacturer of said floor covering materials, limiting the user to standardized floor covering materials (new claims 35, 36, 38, 39), providing invoicing and collection data (new claims 37, 40), and/or the like.

In short, the references neither disclose nor make obvious the claimed invention.

Further, Applicants respectfully believe that the limitation that the customer specific URL further includes a link to an order page for said individual user to place an order with the manufacturer of said floor covering materials by a remote computing device should be given patentable weight. This limitation does relate back to and clarify what is required by the claim and therefore should be given patentable weight. Furthermore, this limitation is not taught or suggested by Thompson or Fredell et al, taken separately or together.

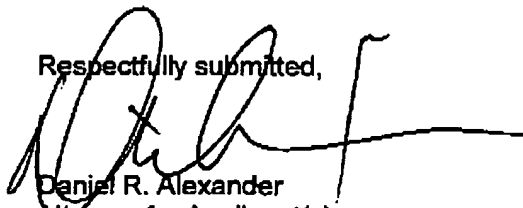
Conclusion:

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance. Should any issues remain after consideration of this Amendment and accompanying remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

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Respectfully submitted,



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